

114TH CONGRESS  
1ST SESSION

# S. 2432

To amend the Public Health Service Act to require the disclosure of the portion of health insurance premiums attributable to the health insurance tax.

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IN THE SENATE OF THE UNITED STATES

DECEMBER 18, 2015

Mr. SCOTT (for himself and Mr. BARRASSO) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Public Health Service Act to require the disclosure of the portion of health insurance premiums attributable to the health insurance tax.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Obamacare Tax Trans-  
5       parency Act”.

6       **SEC. 2. DISCLOSURE OF PORTION OF PREMIUM ATTRIB-**  
7                   **UTABLE TO HEALTH INSURANCE TAX.**

8       (a) FINDINGS.—Congress makes the following find-  
9       ings:

1                         (1) The health insurance tax under section  
2                         9010 of the Patient Protection and Affordable Care  
3                         Act (ACA) is one of the largest tax increases under  
4                         the ACA. In the most recent Budget and Economic  
5                         Outlook, the Congressional Budget Office (CBO)  
6                         projected that the health insurance tax will accrue  
7                         \$159,000,000,000 over 10 years (2016–2025)  
8                         through yearly, increasing fees on most health insur-  
9                         ance providers.

10                         (2) According to the CBO, new fees under the  
11                         ACA—including the health insurance tax—“would  
12                         be largely passed through to consumers in the form  
13                         of higher premiums for private coverage”.

14                         (3) Families and small businesses are fre-  
15                         quently unaware that their premium payments are  
16                         higher due to the health insurance tax.

17                         (b) PURPOSE.—It is the purpose of this Act to pro-  
18                         vide consumers with a transparent account of the portion  
19                         of their premium that is attributable to the health insur-  
20                         ance tax under section 9010 of the Patient Protection and  
21                         Affordable Care Act.

22                         (c) DISCLOSURE.—Subpart 1 of part A of title  
23                         XXVII of the Public Health Service Act (42 U.S.C. 300gg  
24                         et seq.) is amended—

1                             (1) by redesignating the second section 2709  
2                             (42 U.S.C. 300gg–9) (relating to disclosure of infor-  
3                             mation) as section 2709–1; and

4                             (2) by adding at the end the following:

5       **“SEC. 2709–2. DISCLOSURE OF PORTION OF PREMIUM AT-**  
6                             **TRIBUTABLE TO HEALTH INSURANCE TAX.**

7       “(a) IN GENERAL.—Each covered entity shall dis-  
8                             close to any individual or employer who pays a premium  
9                             for health insurance in the individual or group market the  
10                           portion of such premium which is attributable to the fee  
11                           imposed under section 9010 of the Patient Protection and  
12                           Affordable Care Act.

13       “(b) MANNER OF DISCLOSURE.—

14       “(1) IN GENERAL.—Except as provided in para-  
15                             graph (2), in any case in which the covered entity  
16                             provides a monthly or annual premium statement or  
17                             bill, the disclosure made under subsection (a) shall  
18                             be made on such statement or bill.

19       “(2) GROUP MARKET.—In the case of a covered  
20                             entity that provides coverage in the large group mar-  
21                             ket or small group market (as defined in section  
22                             2791(e)), the disclosure made under subsection (a)  
23                             may be made to the employer who maintains such  
24                             plan.

1       “(c) PROHIBITION ON REGULATIONS.—The Sec-  
2 retary may not promulgate regulations with respect to the  
3 form or manner of any disclosure required under this sec-  
4 tion.

5       “(d) DEFINITIONS.—For purposes of this section, the  
6 terms ‘covered entity’ and ‘health insurance’ have the  
7 meaning given such terms under section 9010 of the Pa-  
8 tient Protection and Affordable Care Act.”.

